

**CITY OF SARATOGA SPRINGS
CITY COUNCIL MEETING**

Tuesday, April 16, 2013

Meeting held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

CITY COUNCIL MINUTES

WORK SESSION-Commencing at 6:04 p.m.

Present:

Council Members: Mayor Love, Councilman Miller, Councilwoman Baertsch, Councilwoman Call, Councilman McOmber and Councilman Poduska

Staff: Lori Yates, Mark Christensen, Spencer Kyle, Kevin Thurman, Jeremy Lapin, Jim McNulty, Chief Gary Hicken, Chief Jess Campbell

Others: Ron Johnston, Julie King, Marilyn Sanford, Dick Sanford, Jennifer Klingonsmith, Ryan Poduska, Mike Stewart, Tayna Perlur, Darcey Williams, Nicole Carter, Annalece Weber, Taylor Cornwell, Tyler Ivie, AnnElise Harrison, Dan Cary

1. Update on the City entry feature monument.

Jim McNulty stated that based on the monuments signs shown at the previous meeting; staff has prepared three proposed signs that may work for the Four Corners area. Jim presented the proposed monument signs which included the landscaping, lighting and possible water features.

Councilman Poduska stated that he likes the stone/rock monument with the cascade water feature. He asked what the cost for such features would be. Jeff Krantz stated that the v-shaped monument sign would be more visible from both angles.

Councilman Miller stated that he likes the two-sided monument with the wall in front of the sign. He asked if lighting would be behind the logo sign. Jeff Krantz stated that there could be potential backlighting. Councilman Miller stated that he likes the layout.

Councilman McOmber stated that he too likes the two wall approach monument sign. He would like to see only one logo vocal point and suggested that the water feature be positioned in the middle.

Mark Christensen stated that we need to be conscientious of the monument design so that it doesn't create any encroachment on the property owners. Councilman McOmber stated that the City should work with those current property owners.

Councilwoman Call stated that she is pleased with the proposed monument sign, but is concerned with the investment and cost of the signs. She asked if it would be possible if the signs could be done in phases. She also stated that the font might cast a shadow effect. She would favor the two sided monument. Jeff Krantz stated that the font could be worked with to lessen that concern.

Councilwoman Baertsch agreed with the two sided monument and agreed with the suggestion mentioned by the Council.

Jeff Krantz stated that the monument could be done in phasing if this is what the Council would like.

POLICY SESSION- will follow Work Session.

Present:

Council Members: Mayor Love, Councilman Miller, Councilwoman Baertsch, Councilwoman Call and Councilman McOmber and Councilman Poduska

Staff: Lori Yates, Mark Christensen, Spencer Kyle, Kevin Thurman, Jeremy Lapin, Jim McNulty, Chief Gary Hicken, Chief Jess Campbell

Others: Ron Johnston, Julie King, Marilyn Sanford, Dick Sanford, Jennifer Klingonsmith, Ryan Poduska, Mike Stewart, Tayna Perlur, Darcey Williams, Nicole Carter, Annalece Weber, Taylor Cornwell, Tyler Ivie, AnnElise Harrison, Dan Cary

- **Call to Order by Mayor Love**
- **Roll Call.**
- **Invocation/Reverence was given by Councilman McOmber**
- **Pledge of Allegiance was led by Tyler Ivie**

Mayor Love opened the public input.

Julie King, representative of the PTA, expressed her appreciation to everyone that was involved with construction of the canal crossing which is located near the Riverview Elementary. She also asked if a crossing guard could be provided near the canal crossing since it is located outside of the school zone. She also asked if it would be possible to extend the school zone to the canal crossing as well.

Ryan Poduska thanked the City's Code Enforcement, especially Officer Angie Oldham for her work and efforts in enforcing the completion of many landscaped yards. He expressed his appreciation for the work that has been done on the Villages of Saratoga Springs MDA and the property owners/developers willingness to allow the opinion of the HOA. He would recommend that the density in Neighborhood 4 be less than the R-10 that is being proposed. He also asked that the homes that have already been built be considered into the number of homes needed for the building of the regional park. He asked that this park be considered one of the parks to be built in the near future.

Mayor Love stated that as a resident and the Mayor of the City she appreciates those that are in attendance tonight. She wanted to make it known that as the Mayor, she and the City Council are not receiving any City benefits or pension. She stated that their position here is to serve the residents of the Saratoga Springs.

Mayor Love closed the public input.

Darcey Williams, Pageant Director, introduced the City of Saratoga Springs Royalty; Nicole Carter, Miss Saratoga Springs, Annalece Weber, first attendant, Taylor Cornwell, second attendant. She stated that she is excited to have these young ladies a part of the City. Mayor Love thanked Darcey Williams and AnnaElise Harris for their work that has been done with the City's Pageant.

Mark Christensen introduced Owen Jackson, as the City's Public Relations Manager.

Fire Chief Jess Campbell stated that the local Kiwanis club has established a baseball and softball leagues here in the City of Saratoga Springs. The funds collected will be used to build a baseball field here within the City.

POLICY ITEMS

1. **Consent Calendar:**
 - a. **Award of Bid for the Sunrise Meadows Well.**
 - b. **Award of Bid for Well #4.**
 - c. **Final Bond Release and Acceptance of Subdivision Improvements and Commencement of a one-year warranty for Western Hills.**
 - d. **Final Bond Release and Acceptance of Subdivision Improvements and Commencement of a one-year warranty for Landrock Estates.**
 - e. **Approval of Minutes:**
 - i. **March 5 and 19, 2013,**

A motion was made by Councilwoman Baertsch and seconded by Councilman Miller to approve item 1.a. -1.d. and to table 1.e. of the consent calendar. Aye: Councilwoman Baertsch, Councilman Miller, Councilman Poduska, Councilman McOmber and Councilwoman Call.

2. Resolution R13-8 (4-16-13): A resolution appointing a member to the Library Advisory Board and establishing an effective date.

A motion was made by Councilman Miller and seconded by Councilman Poduska to approve Resolution R13-8 (4-16-13): A resolution appointing a member to the Library Advisory Board and establishing an effective date. Aye: Councilman Miller, Councilman Poduska, Councilman McOmber, Councilwoman Baertsch and Councilwoman Call.

3. Approval of Law Enforcement Services Agreement between City of Saratoga Springs and Bluffdale City.

Mark Christensen stated that the proposed Law Enforcement Service Agreement has been reviewed by staff and is extension of the current agreement. Staff recommends approval.

Councilwoman Call asked if staff could explain what defines a consumable supply which is listed in the contract. Mark Christensen stated that they are items which are supplied to each of the vehicles such as bullets, rubber gloves, etc. Councilwoman Call asked what the fuel cost is for their vehicles. Mark Christensen believes that Bluffdale has asked to manage their Fleet and this would also include the fuel cost.

Councilwoman Baertsch asked why there are asterisk signs on the overtime and commercial truck line items within the contract. Mark Christensen stated that those are as needed purposes. Councilwoman Baertsch asked why there isn't a dollar amount showing for the Citizens Academy. Mark Christensen stated that if that program is one that will proceed; the City of Bluffdale will then pay for the program.

Kevin Thurman asked that the Council add language to the motion which would include the new contract terms.

4. Resolution R13-11 (4-16-13): A resolution adopting the Law Enforcement Agreement between City of Saratoga Springs and Bluffdale City.

A motion was made by Councilman Miller and seconded by Councilwoman Call to approve Resolution R13-11 (4-16-13): A resolution adopting the Law Enforcement Agreement between City of Saratoga Springs and Bluffdale City and adopting the new contract terms. Aye: Councilman Miller, Councilwoman Call, Councilman McOmber, Councilman Poduska and Councilwoman Baertsch.

5. Public Hearing: Proposed Budget Amendment to the Fiscal Year 2012-2013 budget.

Chelese Rawlings presented the proposed budget amendment from the 2012-2013 budget to the Council.

Councilwoman Baertsch asked why the energy tax decreased. Chelese Rawlings stated that the energy tax is collected by the utility companies and the showing estimate is rather than what has been received. Councilwoman Baertsch asked if the donation from Bank of American Fork was received for the library. Chelese Rawlings stated that donation has not been received.

Councilwoman Call asked if the franchise tax was estimate at a higher percentage. Chelese Rawlings stated that the percentage for the franchise tax has not been lower. She isn't sure why the budget numbers are different. Mark Christensen stated that staff will research this item and provide the Council with an update. Councilwoman Call asked why there is a lower amount collect from the ACE court. Kevin Thurman stated that there were a number of fees collected last year and this year those numbers have been lower. Councilwoman Call asked where the additional money for Civic Events has come from. Is it fundraising money? Chelese Rawlings stated that it is City budgeted money. Councilwoman Call feels that the money allocated for the fireworks is a lot and would not support having the fireworks this year.

Mayor Love asked if the Council would approve having the fireworks this year. Councilwoman Baertsch, Councilwoman Call and Councilman Miller disapproved with allowing fireworks for the City's Splash Day's. Councilman McOmber and Councilman Poduska approved the fireworks. The vote was unanimous that no fireworks will take place during the Saratoga Springs Splash Day's.

Councilman Poduska stated that he has noticed the property tax revenues have increased. Mark Christensen stated that the increase is due to new growth within the city. Mark stated that the property taxes have not increase at all.

Mayor Love indicated that the property taxes cover only public safety.

Mayor Love opened the public input.

No public input at this time.

Mayor Love closed the public input.

6. Resolution R13-9 (4-16-13): A resolution amending the City of Saratoga Springs budget for Fiscal Year 2012-2013 and establishing an effective date.

A motion was made by Councilwoman Call and seconded by Councilwoman Baertsch to approve Resolution R13-9 (4-16-13): A resolution amending the City of Saratoga Springs budget for Fiscal Year 2012-2013 and establishing an effective date and removing the \$7,000 budget which has been allocated for the fireworks. Aye: Councilwoman Call, Councilwoman Baertsch, Councilman Miller and Councilman Poduska. Nay: Councilman McOmber.

7. Public Hearing: Rezone and General Plan Amendment for Times Square at Saratoga Springs located at approximately 1186 North Redwood Road, Dan Cary, applicant.

Jim McNulty presented the Rezone, General Plan Amendment and Concept Plan for Times Square at Saratoga Springs project. He stated that the Planning Commission has forwarded a positive recommendation to the City Council.

Councilman Poduska stated that he is excited to see this project move forward and is also pleased with the layout of the Concept Plan. He expressed some concerns with the entrance into the project and exiting onto Redwood Road. He suggested that a pork chop or similar design feature at that intersection be installed.

Councilman Miller stated that this the applicant has done a great job with the plan. He is pleased with the additional parking; he has no issue with the access in and out of the development. He looks forward to seeing the project completed.

Councilman McOmber stated that he appreciates the large amount of parking. He asked the applicant if the roundabout would be completed. Dan Cary stated that it would be finished. Councilman McOmber stated that this project will enhance those properties that surround this development. He also asked if the existing home on this property would stay. Dan Cary stated that the home would be demolished. Councilman McOmber stated that he is excited for this development.

Councilwoman Call stated that she too is excited about the project. She stated that the overall layout is great. She stated that she would like to see an inlet for the deliveries at the hardware store. Councilwoman Call asked that staff be sensitive to proposed roads which may cause concerns with the proposed buildings. Jeremy Lapin stated that the 80 East road that was previously discussed by Councilwoman Call is almost completed. Councilwoman Call stated that her question then has been mitigated.

Councilwoman Baertsch suggested shifting the entrance to this development to the north of the property. This would give the surrounding developments a possible second access. Jeremy Lapin stated that this is at the discretion of UDOT. Councilwoman Baertsch asked staff if this would be an option to review. Mark Christensen stated that a restaurant pad would be eliminated if the road was repositioned. Councilwoman Baertsch stated that there is only one dumpster being shown. Dan Cary stated that more would be added to the site. Councilwoman Baertsch asked that a landscape buffer be placed adjacent to the current townhomes. Jim McNulty stated that there would be a wall

that would buffer those existing homes as well as landscaping. She asked that all of the landscaping islands be shown. She thanked the applicant for the additional parking and the businesses that have shown their interest.

Mayor Love stated that this proposed plan works very well. She thanked the applicant for his willingness to work with the City.

Mayor Love opened the public input.

No public input at this time.

Mayor Love closed the public input.

Kevin Thurman stated he would recommend that the ordinance to rezone the property be approved at the time that the Master Development Agreement is approved. Mayor Love asked if this would not slow down the applicant.

Dan Cary stated that he is fine with this request, but asked that he be able to move forward with the development.

8. Concept Plan for Times Square at Saratoga Springs located at approximately 1186 North Redwood Road, Dan Cary, applicant.

Jim McNulty presented this item with the item #7.

9. Ordinance 13-6 (4-16-13): An ordinance of the City of Saratoga Springs, Utah adopting amendments to the Saratoga Springs City's official zoning map for certain real property; instructing the City staff to amend the City zoning map and other official zoning records of the City; and establishing an effective date. (Times Square at Saratoga Springs)

A motion was made by Councilwoman Call and seconded by Councilman McOmber to table Ordinance 13-6 (4-16-13): An ordinance of the City of Saratoga Springs, Utah adopting amendments to the Saratoga Springs City's official zoning map for certain real property; instructing City staff to amend the City zoning map and other official zoning records of the City; and establishing an effective date. (Times Square at Saratoga Springs) Aye: Councilwoman Call, Councilman McOmber, Councilman Poduska, Councilman Miller and Councilwoman Baertsch.

10. Public Hearing: Revisions to the Land Development Code (Section 19.04.240, Public School Bus Lot Zone).

Jim McNulty presented the proposed Revisions to the Land Development Code (Section 19.04.240, Public School Bus Lot Zone).

Councilman McOmber appreciates the efforts that have been made to add this zone to the Land Development Code. There have been a number of conversations as to where a bus lot should be located. The Council felt that this area would be most suitable.

Councilwoman Baertsch stated that the language in Sections 5.b. & 5.c. states "shall be" and asked why it doesn't state "may be". Councilwoman Baertsch feels that the 10 foot landscaping buffer seems too close to a residential area. Jim McNulty stated that this distance could be increased. Mark Christensen stated that in this scenario this may not be applicable but for the overall use, the Council might want to change it. Jim McNulty suggested a 20-30 foot landscape buffer.

Councilwoman Baertsch doesn't feel that the bus cover structures should be phased over a 12 month period. Jim McNulty stated that the Alpine School District has asked that this project be allowed to be constructed in phases. Mark Christensen stated that there are a number of phases that the School District would like to include with the project. If the Council is uncomfortable with the 12 month period, you can strike this from the Code.

Councilman Poduska stated that he has no problem with this project being completed in phases.

Councilman McOmber suggested to staff that this item be tabled for a future meeting, due to many concerns and potential changes.

Councilwoman Call isn't comfortable with allowing a 12 month phasing period for the construction of the bus cover structures.

Councilman Miller suggested tabling this item. He feels that the berming concerns have not been addressed.

Councilman Poduska feels that the Council should give staff the direction needed to make the necessary modifications rather than tabling this item.

Mayor Love feels that several items were not addressed and asked that they be resolved before this is brought back to the Council.

Mayor Love opened the public input.

Tanya Parker asked where the bus yard is being proposed. Staff stated at the corner of 400 North and 200 West (Thunder Boulevard).

Mayor Love closed the public input.

11. Ordinance 13-7 (4-16-13): An ordinance of the City of Saratoga Springs, Utah adopting amendments to the Saratoga Springs Land Development Code. (Section 19.04.240, Public School Bus Lot Zone).

A motion was made by Councilman Miller and seconded by Councilwoman Call to table Ordinance 13-7 (4-16-13): An ordinance of the City of Saratoga Springs, Utah adopting amendments to the Saratoga Springs Land Development Code. (Section 19.04.240, Public School Bus Lot Zone) until all matters have been addressed by Council and staff. Aye: Councilman Miller, Councilwoman Call, Councilman McOmber and Councilwoman Baertsch. Nay: Councilman Poduska.

12. Public hearing: Regarding the issuance and sale of not more than \$6,500,00 aggregate principal amount of water revenue bonds, series 2103 (the "series 2013 bonds") and to allow public input regarding the potential economic impact that the improvement to be financed with the proceeds of the series 2013 bonds will have on the private sector.

Mark Christensen stated that a public hearing is required to be held as part of the current refinancing process. This bond will pay for the construction of the Harvest Hills irrigation pond, water meters, booster station along SR 73 and project related to water projects throughout the City.

Mayor Love stated that the refinancing is a great idea and commends the City with doing so.

Mayor Love opened the public input.

No public input at this time.

Mayor Love closed the public input.

Councilman Miller stated that there is savings with this refinance which saves the money of our residents. This will also fix the current issues and be used on proposed projects.

Councilman Poduska asked what funds would be used to pay this bond back. Mark Christensen stated that the bond will be paid back through water utility funds. This will be addressed primarily the secondary water system.

Councilman McOmber stated that he is comfortable with the proposed refinancing of the bond. He stated that this shows sustainability. He supports the improvements of the secondary water system in Harvest Hills and the secondary water metering as well, but would like to see the metering done in a phasing process if possible. Councilman McOmber asked if there is a penalty for pay the bond off early. Mark Christensen stated that he doesn't know that answer but could research and provide an answer to the Council.

Councilwoman Call asked that staff that they review all possible savings with this refinance. She also stated that the residents need to pay for their use of the secondary water and would favor the metering of the secondary water. Councilwoman Call suggested that the City raise the water rates so that the water fund is paying for itself. And that each independent fund is able to pay for itself.

Councilwoman Baertsch agreed with what has been stated by the Council. She also thanked staff for their efforts. She stated that the water line from Harvest Hills to the commercial areas must be completed to continue future commercial growth.

13. Preliminary Plat, Final Plat and Development for Talons Cove Townhomes located at 45 East Fairway Boulevard, Tig Brown, applicant.

Sarah Carroll presented the Preliminary Plat, Final Plat and Development for Talons Cove Townhomes.

Councilman Poduska stated that he is pleased with the proposed project.

Councilman Miller stated that he too is pleased with project.

Councilman McOmber stated that he is pleased with the proposed lighting plan and stated that the project is one that has been well planned. He is also pleased with the proposed amenities.

Councilwoman Call stated that she is pleased with the proposed amenities. She is pleased with the project and appreciates the proposed elevation colors.

Councilwoman Baertsch stated that she echoed the comments made by the Council. She asked if there had been any changes to the proposed project regarding the lighting concerns that were expressed by the Planning Commission. Sarah Carroll stated that the City Code doesn't require additional lighting, but left that suggestion up to the applicant to consider additional lighting.

A motion was made by Councilman McOmber and seconded by Councilwoman Call to approve Preliminary Plat, Final Plat and Development for Talons Cove Townhomes located at 45 East Fairway Boulevard, Tig Brown, applicant and to include staff's findings and conditions listed in the staff report dated April 16, 2013. Aye: Councilman McOmber, Councilwoman Call, Councilwoman Baertsch, Councilman Miller and Councilman Poduska.

14. Resolution R13-10 (4-16-13): Approving addendum to resolution of the City of Saratoga Springs creating street lighting special improvement district to include additional subdivision lots. (Talons Cove Townhomes)

A motion was made by Councilman Poduska and seconded by Councilwoman Baertsch to approve Resolution R13-10 (4-16-13): Approving addendum to resolution of the City of Saratoga Springs creating street lighting special improvement district to include additional subdivision lots. (Talons Cove Townhomes) Aye: Councilman Poduska, Councilwoman Baertsch, Councilman Miller, Councilman McOmber and Councilwoman Call.

15. The Villages at Saratoga Springs Master Plan and Development located on the west side of Redwood Road from 2800 South and 3600 South, Mike Stewart, applicant.

Mike Stewart briefly discussed the proposed changes that have been made to the Villages at Saratoga Springs Master Development Plan. He stated that the open space requirements have increased from 25 percent to 30 percent. Also, revising the commercial area in Neighborhood 4 to reflect 75 percent of neighborhood commercial and 25 percent of regional commercial. He stated that the HOA and Planning Commission asked that the submittals be changed to 30 day rather than 10 days and re-submittals be changed to 15 days rather than 10 days. The fencing requirements would be wrought iron along Redwood Road.

Councilwoman Baertsch asked how an R-3 PUD zone is being allowed with all the shown densities. Mike Stewart stated that the PUD overall allows for up to 4 unit per acres and this development would be allow up to 2967 units per acre. She appreciates the applicant working with the HOA. She is concerned with this developement being able to be consistent with the City's current Code standards and how will this be remedied. Mark Christensen stated that this

development is tied to the MDA and would govern the development and is allowed. Councilwoman Baertsch asked if the proposed regional park could be constructed earlier than indicated. Mark Christensen stated that it could but there are a number of issues that prohibit that from occurring, one being the cost to build the park, but if that is what the Council would like we could see to that being done. Kevin Thurman stated that we are tied to the development as it progresses and the land has yet to be dedicated to the City. Councilwoman Baertsch asked if it would be possible to encourage a clubhouse being built due to such a large development. Mike Stewart stated that it is nice to have a facility such as this, but the cost would be too great to maintain. He indicated that the regional park might be a place to build a facility as such. Councilwoman Baertsch suggested that this be contemplated. Mark Christensen stated that how each HOA manages and governs each development is up to them. He asked that the Council be cautious to requiring this of the developer. Mike Stewart stated that there are a number of facilities in the area that would accommodate this need.

Councilwoman Call stated that she is glad to see this development moving along. She asked for clarification with the zoning of R-12 and R-3 being so close together and not a liked use and asked what can be done to lower the density in that area. She stated that concerns have been indicated that there is no shoulder along the road near Village Parkway and Wildlife Boulevard and feels this to be a safety concern and is it possible to build the trail soon. She asked if the smaller property owners would feel a cost burden. Mike Stewart stated that each owner would be paying a dedication cost for the regional park. Kevin Thurman mentioned that the MDA language states that staff determines what the priority is of open space and this issue would be high on the priority list. Councilwoman Call stated that she would like to see the regional park be built earlier in the development.

Councilman McOmber thanked for all the work that has been done by both the applicant and City staff in completing the MDA. He is pleased with what has been presented.

Councilman Miller echoed Councilman McOmber's comments and is pleased to see this development moving forward.

Councilman Poduska stated that he would like to see Swainson Avenue be completed along with the regional park. He asked staff if it was possible to start designing the park which could incorporate the existing soil on that particular parcel. Jeremy Lapin stated that staff could start reviewing the design layouts which could include the soil. Councilman Poduska asked which phase would be developed first. Mike Stewart indicated that since there are multiple owners we don't have the answer to that at this time.

Mayor Love asked if a motion is needed for this item. Mark Christensen stated that a completed MDA would be brought back to the Council at the next Council meeting for approval.

16. Reports.

Councilwoman Call stated that the Lehi Area Chamber of Commerce is generating a magazine and has designated two pages within the magazine for content from Saratoga Springs. She asked that the Mayor and Council provide information to be featured in the magazine.

Kevin Thurman stated that he is ready to review Title 19 of the Land Development Code with the City Council and would like to hold two joint work meeting with the Council and Planning Commission. He proposed April 23rd and April 30th.

Mark Christensen asked if the Council would be willing to allow a partial reimbursement payment to Henry Walker Homes. The Council stated that they would agree with allowing for a partial reimbursement payment to Henry Walker Homes.

A motion was made by Councilman Miller and seconded by Councilman Mcomber for the purchase, exchange or lease of property, pending or reasonably imminent litigation, the character, professional competence, or physical or mental health of an individual at 9:32 p.m. Aye: Councilman Miller, Councilman McOmber, Councilwoman Baertsch, Councilwoman Call and Councilman Poduska.

Present:

Councilman Poduska, Councilman McOmber, Councilman Miller, Councilwoman Baertsch, Councilwoman Call, Mark Christensen, Spencer Kyle, Kevin Thurman, Jeremy Lapin, and Lori Yates.

Motion was made by Councilman McOmber and seconded by Councilman Miller to adjourn closed session at 9:38 p.m. and entered into policy session at 9:38 p.m.

Motion to adjourn the policy session at 9:38 p.m. was unanimous.

June 4, 2013

Date of Approval

Lori Yates

Lori Yates, Recorder

